

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------|---|----------------------|
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|                              | : |                      |
| IN RE VEECO INSTRUMENTS INC. | : | 05 MD 1695 (CM)(GAY) |
| SECURITIES LITIGATION        | : |                      |
|                              | : |                      |
| -----                        | X |                      |
|                              | : |                      |
| THIS DOCUMENT RELATES TO:    | : |                      |
| SECURITIES LITIGATION        | : |                      |
| -----                        | X |                      |

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'**  
**MOTION *IN LIMINE* TO PRECLUDE TESTIMONY OF ROBERT W. BERLINER**

**(FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY ORDER  
DATED MAY 16, 2006)**

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